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DEPARTMENT *of* AGRICULTURE
LABOR *and* INDUSTRY
of
MONTANA

Chapter 216, Laws of
Seventeenth Assembly
March 5 - - 1921



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THE DEPARTMENT OF AGRICULTURE, LABOR and INDUSTRY of Montana, by the act of the Seventeenth Legislative Assembly of 1921, which consolidated under one head the work of the state relating to agriculture not theretofore under control of the State Livestock Commission or of the Montana State College of Agriculture. The functions of the various boards and commissions abolished by the law were placed in the consolidated department, and new duties were added by the law. Generally speaking, the new department took over the duties of the State Board of Horticulture, Grain Grading, Inspection and Warehousing Commission, Board of Directors of the Montana State Fair, the Dairy Commissioner, the Board of Dairy Commission Examiners, the Department of Agriculture and Publicity, the Department of Labor and Industry, and the Board of Poultry Husbandry. An exception to this is the duty of sanitary inspection of dairies, which was given to the Livestock Sanitary Board. In addition, the Commissioner of Agriculture and the new Department were given a number of new duties. Among them are: Marketing—statistical, research, publications and control; supervision of land settlement and colonization; protection, encouragement and control of apiaries; testing of all grain scales and testers used within the State.

Heads of Departments and Divisions

CHESTER C. DAVIS Commissioner of Agriculture

JOHN M. DAVIS.....Assistant Commissioner; Chief Division Grain Standards and Marketing.

WILLIAM L. SHOVELL.....Chief, Division of Horticulture

CHARLES D. GREENFIELD, Jr.....Chief, Division of Labor and Publicity

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MONTANA

DEPARTMENT OF AGRICULTURE, LABOR AND INDUSTRY

CHAPTER 216, SEVENTEENTH SESSION LAWS OF 1921.

An Act Creating a Department of Agriculture, Labor and Industry and Defining Its Power and Duties, Designating a Commissioner of Agriculture, Labor and Industry as the Chief Executive Office of Said Department, and Defining His Compensation, Powers, and Duties; Abolishing the State Board of Horticulture, the State Horticulturist, the Board of Directors of the State Fair, the State Dairy Commissioner, the Board of Dairy Commission Examiners, the Department of Labor and Industry, the Department of Agriculture and Publicity, the Grain Grading Inspection and Warehousing Commission of the State of Montana, and the State Board of Poultry Husbandry; Repealing the Following Acts and Parts of Acts of the State of Montana, and All Acts and Parts of Acts in Conflict Herewith: Sections 1, 2, 3, Including Section 3—as Contained in Said Section 3 and Sections 4, 5, 6, 7, 8, 11, 12, 13 and 14 of Chapter 199 of the Laws of the Sixteenth Legislative Assembly of 1919; All of Chapter 209 of the Laws of the Sixteenth Legislative Assembly of 1919 Save and Except Sections 25 and 28 Thereof; Sections 1917 to 1923 Inclusive of the Revised Codes of 1907 as Amended by Chapter 121 of the Laws of the Twelfth Legislative Assembly of 1911; Section 1923-A of Chapter 121 of the Laws of the Twelfth Legislative Assembly of 1911 as Amended by Section 1 of Chapter 90 of the Laws of the Sixteenth Legislative Assembly of 1919; Sections 1924, 1925, 1927, 1930, 1931, 1932, 1933, 1934, 1936, 1937, 1938, 1939, and 1940 to 1944 Inclusive of the Revised Codes of 1907 as Amended by Chapter 121 of the Laws of the Twelfth Legislative Assembly of 1911; Sections 3 to 11 Inclusive of Chapter 47 of the Laws of the Twelfth Legislative Assembly of 1911; Chapter 55 of the Laws of the Thirteenth Legislative Assembly of 1913; Chapter 15 of the Laws of the Twelfth Legislative Assembly of 1911; Chapter 56 of the Laws of the Thirteenth Legislative Assembly of 1913; Chapter 132 of the Laws of the Fourteenth Legislative Assembly of 1915; Chapter 127 of the Laws of the Sixteenth Legislative Assembly of 1919; Chapter 69 of the Laws of the Thirteenth Legislative Assembly of 1913.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby created a department of the government of the State of Montana to be known as the "Department of Agriculture, Labor and Industry." The general purpose of said department is the promotion of the agricultural and labor interests of the State of Montana as hereafter more specifically provided.

Section 2. The chief executive officer of the department of Agriculture, Labor and Industry, hereinafter referred to as the Commissioner of Agriculture, to be appointed by the Governor, by and with the consent of the Senate, and such commissioner shall hold office for a term of four years or until his successor is appointed and qualified.

Section 3. Before entering upon the duties of his office, the Commissioner of Agriculture shall take and subscribe the constitutional oath of office, and shall give a surety company bond in the sum of \$5,000 conditioned for the faithful performance of his duties, the cost of said bond to be paid by the state. The Commissioner shall receive

an annual salary of \$5,000 payable in the same manner as the salaries of other state officers, and shall be allowed such expenses as may be actually and necessarily incurred in the performance of his duties. He shall maintain his office at the State Capitol.

Section 4. The Commissioner of Agriculture is empowered to prescribe regulations not inconsistent with law for the government of his department, the conduct of its employees and clerks, the distribution and performance of its business and the custody, use and preservation of the records, papers, books, documents and property pertaining thereto. He shall also have authority to designate the form of and to use a seal to authenticate his official acts.

Section 5. The Commissioner of Agriculture shall have the authority to appoint for the performance of the work of said department such number of secretaries, assistants, clerks, and other employees as he shall deem necessary for the performance of the work of the department, subject, however, to the approval of the State Board of Examiners. All persons so employed shall receive the compensation fixed by law or fixed by the board or department to whom may be entrusted the power to fix the compensation of deputy state officers and employees; if not so fixed, the Commissioner of Agriculture shall determine the amount of said compensation. No employee of the Department of Agriculture, Labor and Industry who is paid a fixed compensation shall receive pay for any extra services rendered by him unless expressly authorized by law.

Section 6. The Commissioner of Agriculture shall annually on or before the first day of December, and at such other times as the Governor may require, make a report in writing to the Governor concerning the condition, management, and financial transactions of his department.

GENERAL POWERS OF DEPARTMENT.

Section 7. The Department of Agriculture, Labor and Industry shall have power and it shall be its duty:

1. To encourage and promote, in every practicable manner, the interests of agriculture, including horticulture and apiculture, domestic arts, dairying, cheese making, poultry raising, the production of wool, and all other allied industries.

2. To collect and publish statistics relating to the production and marketing of crops and live stock, and of beef, pork, poultry, fish, mutton, wool, butter, cheese and other agricultural products so far as such statistical information may be of value to the agricultural and allied interests of the state.

3. To assist, encourage and promote the organization of farmers' institutes, horticultural and agricultural societies, the holding of fairs, livestock shows or other exhibits of the products of agriculture.

4. To establish and promulgate standards for open and closed receptacles for farm products and standards for the grade and other classification of farm products.

Investigate Marketing.

5. To co-operate with producers and consumers in devising and maintaining economical and efficient systems of distribution, and to aid in whatever way may be consistent or necessary in accomplishing the reduction of waste and expense incidental to marketing.

6. To have authority to maintain a market news service, including information as to crops, freight rates, commission rates, and such

other matters as may be of service to producers and consumers, acting as a clearing house for information between producer and consumer.

7. To gather and diffuse timely information concerning the supply, demand, prevailing prices, and commercial movement of farm products.

8. To investigate the practices and methods of factors, commission merchants and others who receive, solicit, buy, sell, handle on commission or otherwise, or deal in grain, dairy products, eggs, livestock, vegetables, or other farm products, to the end that the distribution of such commodities through such factors, commission merchants and others shall be efficiently and economically accomplished without hardship, waste or fraud.

9. To co-operate with the State College of Agriculture, the Agricultural Experimental Stations and the Federal Government to the end that all available agencies may be employed, to the best advantage, for the betterment of the Agricultural industries of the state, for the improvement of country life and for promoting equality of opportunity for the farmers of the state.

Supervision of Land Settlement.

10. To ascertain, as far as possible, what conditions make for the success of a homeseeker and what conditions make for his failure, and to assist in remedying such of the conditions which make for failure as are capable of remedy. To examine or cause to be examined upon application of any land colonization company or lands proposed for colonization, and to certify his findings when conditions warrant:

(A) That the land is suitable for agricultural purposes.

(B) That the location of the land with reference to public roads and shipping facilities, is favorable to colonization development.

(C) That the plan of colonization in each instance is in the interest of the settlers or homeseekers.

(D) That the terms of payment are on the amortization plan.

(E) That satisfactory assurance has been given to the Commissioner that the plan of colonization adopted will not be changed to the detriment of the homeseeker.

11. To conduct and manage the State Fair and to have custody of the State Fair grounds, buildings and other property belonging thereto.

12. To take and hold in the name of the State of Montana property, real and personal, acquired by gifts, subscriptions, donations and bequests.

13. To sell and dispose of personal property owned by it in such manner as the Commissioner may provide, when in the judgment of the department such sale or disposal best promotes the purposes for which the department is established.

14. To contract with the approval of the State Board of Examiners in respect to any matter within the scope of its authority.

Section 8. For the purpose of the orderly administration of the affairs of the Department of Agriculture, Labor and Industry, the same shall be organized into divisions, which divisions shall have charge of the matters hereinafter designated, and such other matters properly within the scope of the department, as shall be allotted to them by the Commissioner of Agriculture.

DEPARTMENTAL DIVISIONS.*

Section 9. There shall be four main divisions of the Department of Agriculture, Labor and Industry, to-wit:

The Division of Farming and Dairying.

The Division of Grain Standards and Marketing.

The Division of Horticulture.

The Division of Labor and Publicity.

The Divisions hereby created are intended for the sole purpose of promoting the logical and convenient classification of the work of the department, and nothing herein contained shall be deemed to prevent any person engaged in the work of a particular division from performing the work of another division; the Commissioner may likewise create additional divisions at his discretion.

DIVISION OF FARMING.

Section 10. The Division of Farming and Dairying. The Department of Agriculture, Labor and Industry, through the Division of Farming, shall enforce all the laws of Montana now existing or hereafter enacted for the protection and regulation of the farming industry in Montana; it shall also make a special study of the conditions of farm life in Montana and the problems of marketing and distribution of farm products, and shall from time to time, make recommendations to the Governor concerning needed legislation upon said subjects; it shall enforce the provisions of Chapter 12 of the Laws of the Thirteenth Legislative Assembly of Montana of 1913, Relating to the purity of agricultural seeds, and of Chapter 40 of the Laws of the Sixteenth Legislative Assembly of 1919, relating to the eradication of the Barberry plant, and of Chapter 61 of the Laws of the Thirteenth Legislative Assembly of Montana of 1913, relating to the control of insect pests and plant diseases. The word "farming" as used in this section shall not be deemed to include Horticulture, nor the regulation of the livestock industry.

Section 11. The Division of Farming and Dairying shall investigate and bring to the attention of the public the value and importance of poultry raising in Montana, and shall publish for free distribution reports and bulletins pertaining to the advancement of poultry husbandry. Said Division shall also supervise and promote local poultry associations, and shall supervise the holding of an annual State Poultry Exhibition.

Regulation of Bee Keeping.

Section 12. The Division of Farming and Dairying shall regulate and promote the business of apiculture in Montana, and shall be charged with the duty of instructing the bee keepers of Montana in the approved methods of bee keeping and management of apiaries, control of bee diseases, and other matters pertaining to the promotion of the bee keeping industry in Montana. The Commissioner of Agriculture shall have authority to prescribe such regulations as in his judgment may be necessary to eradicate, prevent or control the introduction and dissemination of American or European foul brood of bees.

The authority hereby given shall include the power to order the transfer of clans of bees from hives or containers which cannot be

*NOTE: In organizing the Department these divisions were not exactly followed. The Division of Dairying is separate, and the work intended for the Division is handled directly by the Commissioner's office.

easily examined for brood diseases to other hives or containers; to order the destruction of infected or contaminated bees, bee hives, brood combs, and other equipment; or to order the disinfection thereof; to define and prescribe the limits of apiary control districts; quarantine any apiary or district where foul brood or any dangerous or infectious disease is present; to prevent the removal from such quarantined apiary or district of bees, used bee supplies or equipment, excepting under permit, or to issue or withhold such permits. The Commissioner may refuse such permit whenever necessary in his judgment to prevent the dissemination of any bee diseases or until he shall have ascertained whether or not such disease is present. No person shall sell or offer for sale any apiary, bees, comb, or used bee keeping apparatus within a quarantined district without a permit from the Commissioner of Agriculture. The Commissioner of Agriculture shall have authority, and it shall be his duty upon request of owners or of not less than three resident bee-keepers to visit and examine, either personally or by deputy, any apiary for the purpose of ascertaining the existence of diseases among bees or brood. The Commissioner of Agriculture is hereby authorized to employ temporarily some competent and qualified person to make the inspection and to perform the other duties relative to apiaries imposed upon the Commissioner by the terms of this act.

Section 13. The Commissioner of Agriculture may, in his discretion, create a separate division to have charge of the subject of Poultry Husbandry and Apiculture.

DIVISION OF DAIRYING.

Section 14. The Department of Agriculture, Labor and Industry, through the Division of Farming and Dairying shall have general regulation of the industry of dairying in the State of Montana, save and except as to the sanitary inspection of dairies, creameries, butter and cheese factories, and receiving stations, which said duties shall be administered by the Livestock Sanitary Board. It shall be the duty of the Department of Agriculture, Labor and Industry to compile and publish statistics concerning all phases of the dairy industry in the state, and to encourage and advertise said industry in every possible manner; to carry on a campaign of education in conjunction with the extension work of the College of Agriculture and Mechanic Arts of Montana for the purpose of encouraging interest in the dairy industry and of furnishing scientific and practical information concerning the same.

It shall be the duty of the Department of Agriculture, Labor and Industry to provide suitable means for the taking of samples of dairy products and of all imitations thereof suspected of being made or sold in violation of the law, and to analyze or test the same, and the Commissioner of Agriculture may require the State Chemist to test and analyze said samples.

Section 15. It shall be the duty of every cheese factory, creamery, butter, and condensed milk factory, or skimming station in the state, where milk or cream is purchased or contributed by three or more persons, to register the location of such cheese factory, creamery, butter, and condensed milk factory or skimming station, and the name of its owner or manager, with the Commissioner of Agriculture on or before the first day of April of each year. Before the organization of any new factory, notice shall be given at once to said Commissioner of Agriculture. It shall likewise be the duty of each and all of the establishments in this section named to render to the Commissioner of Agriculture, within three days after

the last day of each month, a monthly report of the amount of butter, ice-cream, or other dairy products handled or manufactured during the month.

Supervise Butterfat Tests.

Section 16. The Babcock test is hereby adopted as the official dairy test for use in the State of Montana.

Every person operating the Babcock test in any creamery or cheese factory, or other place where milk or cream is bought and paid for on the basis of its fat contents, shall be required to pass such examinations as the Commissioner of Agriculture shall prescribe, upon the successful completion of which examination he shall receive a certificate, signed by said commissioner, stating his competency to operate said test. A fee of two dollars shall be paid to the Commissioner by the applicant for said certificate. Said money shall be turned in by said commissioner to the State Treasurer for the use and benefit of the general fund of the state.

All test bottles, pipettes, and other glassware used in connection with the Babcock test, where the fat forms a basis for the payment of the product, shall be handled and calibrated by the Commissioner of Agriculture or his deputies, as often as the commissioner may prescribe such testing or calibrating to be done on the premises where such glassware is used. All bottles used for the purpose of making the Babcock test shall be standard bottles, and shall be designated as such by the word "standard" stamped thereon.

No owner, manager, agent, or employee of a cheese factory, creamery, or condensed milk factory shall falsely manipulate or under-read or over-read the Babcock test, or any other contrivance used for determining the quality of milk or cream, or to make any false determination of the said Babcock test, or otherwise.

All acids used in Babcock tests shall be of the strength indicated by the specific gravity reading one and eighty-two hundredths on the standard hydrometer.

Section 17. The standard measure of capacity for milk shall be the gallon containing two hundred thirty-one cubic inches; the half gallon shall contain one hundred fifteen and five-tenths cubic inches, and the quart one-fourth as much as the gallon, and the pint one-half as much as the quart.

The standard measure for the sale of butter and cheese in the State of Montana shall be sixteen ounces (avoirdupois weight) to the pound, when wrapped or put in container exclusive of the wrapper or container. Where weight and measures are stated in pounds and ounces, they shall be exclusive of the wrapper or other container, and each pound shall contain sixteen ounces, each ounce containing four hundred and thirty-seven and one-half grains. Any person, persons, firm, or corporation selling or offering for sale any article of dairy products as a pound, or any multiple thereof, the net weight of which is less than sixteen ounces, or the proper multiple thereof, to represent the number of pounds sold or offered for sale, shall be guilty of a misdemeanor; provided, a reasonable variance be permitted, and that tolerances shall be established by rules and regulations made by the Commissioner of Agriculture in accordance with the provisions of this Act.

That butter sold in the State of Montana, whether manufactured on a farm or in a creamery, must have the maker's name clearly written or printed on the package in which it is sold, and upon each pound package of butter so sold or offered for sale, the words "net weight sixteen ounces" shall appear.

Section 18. All milk, butter, cheese, condensed milk, ice-cream, or any dairy products shipped into Montana for sale or use, must be produced under the same sanitary regulations and requirements as are required for the production of such products in the State of Montana. The Commissioner of Agriculture shall have authority to require a sworn statement relative to the sanitary production of milk and other dairy products shipped into Montana, but produced outside of the State of Montana, and if such products are not produced under similar sanitary regulations and statutes, as required for the production of such products within the State of Montana, they shall not be sold, given away, traded, or used in the State of Montana.

GRAIN STANDARDS AND MARKETING.

Section 19. The Division of Grain Standards and Marketing. The Department of Agriculture, Labor and Industry, through the Division of Grain Standards and Marketing, shall enforce all the laws of the State of Montana concerning the handling, weighing, grading, inspection, storage and marketing of grain, and the management of public warehouses.

Section 20. The term "Public Warehouse" includes any elevator, mill, warehouse, or structure in which grain is received from the public for storage, shipment, or handling, whenever such grain is carried or intended to be carried to or from such warehouse, elevator, mill, or structure by common carrier. The term "public warehouseman" shall be held to mean and include every person, association, firm and corporation owning, controlling or operating any public warehouse in which grain is stored or handled in such a manner that the grain of various owners is mixed together, and the identity of the different lots or parcels is not preserved. The term "grain dealer" shall be held to mean and include every person, firm, association, and corporation owning, controlling, or operating a warehouse, other than a public warehouse, and engaged in the business of buying grain for shipment or milling in car-load lots. The term "track buyer" shall mean and include every person, firm, association and corporation who engages in the business of buying grain for shipment or milling in car-load lots, and who does not own, control, or operate a warehouse or public warehouse. The terms "agent," "broker," and "commission man" shall mean and include every person, association, firm and corporation who engages in the business of negotiating sales or contracts for grain, or of making sales or purchases for a commission.

Testing Grain Scales.

Section 21. The Commissioner of Agriculture shall employ an expert tester of scales, whose duty it shall be, under such rules and regulations as the commissioner may prescribe, to test the scales within this state where grain is weighed at public warehouses, as defined by this act. The person employed by the Commissioner of Agriculture as an expert tester of scales shall collect from each person, firm, co-partnership, or corporation, for each track scale tested, ten dollars, for each wagon scale, dump scale and shipping scale tested five dollars, and for each portable scale and grain tester tested one dollar.

Section 22. The Commissioner of Agriculture shall appoint such number of inspectors, samplers and weighers as may be necessary to properly and thoroughly enforce the provisions of this act. Such inspectors shall be able to qualify under the terms and in accordance with the United States Federal Grain Standards Act; no

such inspector, sampler or weigher shall be interested directly or indirectly in the handling, sorting, shipping, purchasing or selling of grain or grain products.

Section 23. Any inspector, sampler, or weigher, who shall be guilty of any neglect of duty, or who shall knowingly or carelessly inspect, sample, or weigh any grain, or who shall, directly or indirectly, accept any money or other consideration for any neglect of duty or any improper performance of duty as such inspector, sampler, or weigher, or any person, persons, corporation, or agent, who shall improperly influence, or attempt to improperly influence, any inspector, sampler, or weigher in the performance of his duties, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars, or be imprisoned in the county jail not less than thirty days nor more than one year, or by both such fine and imprisonment, in the discretion of the court.

Section 24. Such cities and towns where grain is received in carload lots may be designated by the Commissioner of Agriculture as inspection points, and be provided with state inspection and weighing, provided, that the expenditures for the inspection and weighing at the points designated by the Commissioner shall not exceed the receipts of fees at such point or points. The Commissioner may also assign deputy inspectors to such territory or portions of the state as it may determine to be necessary, and it shall be the duty of such deputy inspectors to inspect grain delivered in less than carload lots in such territory or portions of the state to which they may be assigned, to furnish producers within such territory or portions of the state with such inspection as shall enable them to determine the grade of their grain, and to perform such other duties as the Commissioner may prescribe.

Fix Handling Charges.

Section 25. All charges made by any public warehousman subject to the provisions of this act, for the handling or storage of grain, shall be just, fair, and reasonable, and the Commissioner of Agriculture is hereby vested with power and authority, upon the complaint of any person interested, or by inquiry upon its own motion, after a full hearing, to declare any existing charge for the handling or storage of grain, or any regulation whatsoever affecting such charge, or the receipt, handling, or storage, to be unreasonable or unjust, and to declare and order what shall be a just and reasonable charge or regulation to be imposed or enforced in place of that found to be unreasonable or unjust.

Section 26. The Commissioner of Agriculture shall fix and establish standard grades to apply to all grain bought or handled by public warehouses in this state. The Commissioner of Agriculture shall adopt as state grade standards all grades for grain now or hereafter established by the United States Department of Agriculture. Standards for grain, other than those fixed as above, shall be established by the Commissioner of Agriculture after due notice and public hearing, notice thereof to be given by publication in three newspapers of the State, at least ten days prior to such hearing.

Grade standards, or any alteration or modification of such standards which the Commissioner of Agriculture may establish, shall not become effective within thirty days after publication, except in the case of grades established by the United States Department of Agriculture, which shall become effective ten days after publication.

All interested persons desiring to be heard shall be permitted to give testimony, and such other witnesses may be subpoenaed as

the Commissioner of Agriculture may deem necessary, which witnesses shall be entitled to the same fees and mileage as are provided for witnesses in civil actions, and shall be paid out of the fund created by the provisions of this Act. Such grain standards shall not apply to grain contracted for previous to their disposition.

May Require Cleaning.

The Commissioner of Agriculture shall, after such hearing, make and issue reasonable rules and regulations governing the dockage which shall be made on inferior grades and in all executory contracts thereafter entered into, provided that the same shall not conflict with the terms of the United States Federal Grain Standard Act. Where the price or amount to be paid therefor depends upon terminal weight or grade, such rules and regulations shall control the dockage in so far as the same affects the price to be paid, and such rules and regulations shall become part of the contract of sale. The Commissioner of Agriculture shall also make provisions for sample inspection of grain, make rules and regulations governing same, and provide that such inspection when made shall be final.

The Commissioner of Agriculture shall have power to require, after personal notice of not less than thirty days served upon any warehouseman and a public hearing, cleaning apparatus to be established where none now exists to remove dockage and the return of same to the owner, or its equivalent in value, less cleaning charges, which may be fixed by the Commissioner of Agriculture.

The Commissioner of Agriculture shall, during the grain-marketing season, appoint such deputy inspectors as they deem necessary to visit the grain-growing districts for the purpose of investigating grain grading, dockage, and weighing and enforcing the rules and regulations laid down by the Commissioner.

It shall be the duty of the Commissioner of Agriculture, immediately after the establishment of such grades, and the promulgation of rules and regulations fixing dockage, as herein provided, to supply all public warehousemen, which the records of his office show are then or thereafter engaged in operating such warehouses, with a copy of such grades, rules and regulations. It shall be the duty of every public warehouseman to keep such copy on file in a convenient place in every such warehouse, and if an office is maintained in connection with such warehouse, a copy of such grades, rules and regulations shall be kept on file in such office, and a placard notice posted in a conspicuous place in every such warehouse and such office, reading as follows: "A copy of Montana grades, rules, and regulations is on file here for information of interested parties."

Every such warehouseman shall exhibit such copy of grades, rules, and regulations to any interested party applying therefor at any such warehouse or office, and permit such interested party to examine and consult such copy.

Section 27. The Commissioner of Agriculture shall fix the fees for inspection and weighing of grain, and such fees shall be a lien upon such grain until paid.

Authority of Inspectors.

Section 28. The inspectors, samplers and weighers shall, at places provided for state inspection, have exclusive control of the weighing and grading of grain to be inspected, and the certificates of such officers relative to such weighing and grading, shall be

conclusive upon all parties interested. Suitable books and records shall be kept, in which shall be entered a faithful and true record of every car-load of grain inspected or weighed by them, and showing the number of and initial or other designation of the car containing such carload, its weight, the kind of grain and its grade, and if graded below standard No. 1 grade, the reason for such grade, if of inferior grade, the amount of such dockage, the amount of fees and forfeitures and disposition of the same, and for each car of grain they shall give a certificate of inspection, showing the kind and grade of the same and the reason for all grades below No. 1, the amount to be allowed for dockage, if any. They shall also furnish the agent of the Railroad Company, or other carrier over which such commodity was shipped or carried, a certificate showing the weight thereof, if requested to do so. They shall also keep a true record of all appeals, decisions, and a complete record of every official act, which books and records shall be open to inspection by any party in interest.

Section 29. Upon written complaint filed with the Commissioner of Agriculture, charging an inspector, sampler, or weigher with official misconduct, inefficiency, incompetency, or neglect of duty, the Commissioner of Agriculture shall investigate such charges, and if it be found sustained shall remove such officer.

Appeal From Grading.

Section 30. In case any owner, consignee, or shipper of grain, or any warehouseman shall be aggrieved at the grading of such commodity, such aggrieved person may appeal to the Commissioner of Agriculture from such decision within ten days from the date of certificate, by giving notice of appeal and paying a fee to be fixed by the Commissioner of Agriculture, which shall be refunded if the decision appealed from is sustained. Such notice of appeal may be given by letter or notice to the Commissioner of Agriculture, stating that such party appeals from the decision of the inspector, and specifying the initials and numbers of the cars in which such grain was contained when inspected and graded.

The appellant shall also file with the Commissioner of Agriculture a list containing the names and addresses of all parties interested in the subject matter. It shall be the duty of the Commissioner of Agriculture, upon receiving such notice and list of interested parties, to immediately notify the parties interested of the time and place designated by it for a hearing, and at such time and place, which shall be five days from the date of receiving such notice, hold a hearing and inquire into the reasonableness and correctness of such original grading, and such evidence shall be received as parties thereto may desire to offer. After such hearing, the Commissioner of Agriculture shall make such order affirming or modifying the grade so established by the inspector as the facts and evidence may justify.

Section 31. Every public warehouseman shall receive for storage and shipment without discrimination of any kind so far as the capacity of his warehouse will permit, all grain tendered him in the usual course of business in suitable conditions for storage. A warehouse receipt, in form prescribed by law and the rules and regulations of the Commissioner of Agriculture, shall be issued and delivered to the owner, or his representative, immediately upon receipt of such load or parcel of grain.

Section 32. Upon the return of the receipt to the proper warehouseman, properly indorsed, and upon payment or tender of all advances and legal charges, grain of the grade and quantity named therein shall be delivered to the holder of such receipt within forty-

eight hours after the facilities for receiving the same have been provided, or such warehouseman shall deliver such grain at terminal, or the equivalent market value thereof on said date, less any freight charges to terminal, and such other charges and commissions as may be allowed by the Commissioner of Agriculture.

Owners of warehouse receipts surrendered for shipment shall furnish the warehouseman with written instructions regarding the capacity of cars to be ordered from the transportation company, and as to the manner of loading and billing shipments made in such cars as are furnished by the transportation company. The warehouseman shall load and bill all such shipments in exact accordance with instructions given, and shall be liable to the owner of the warehouse receipt so surrendered for the amount of any excess freight paid, or for other damages suffered by the owner of the warehouse receipt, resulting from the failure of the warehouseman to follow accurately the loading and billing instructions as given him.

Bond and License Required.

Section 33. On June 30th of each year every warehouseman shall make report, under oath, to the Commissioner of Agriculture, on blanks or forms prepared by him, showing the total weight of each kind of grain received and shipped from such warehouse licensed under the laws of Montana, and also the amount of outstanding storage receipts on said date, and a statement of the amount of grain on hand to cover the same. The Commissioner of Agriculture may also require special reports from such warehousemen at such times as the Commissioner may deem expedient. The Commissioner may cause every warehouse and business thereof and the mode of conducting the same to be inspected by one or more of its members, or by its authorized agent, whenever deemed proper, and the books, records, accounts, papers, and proceedings of every such warehouseman shall at all times during business hours be subject to such inspection. Each person, firm, corporation, or association of persons operating any public warehouse or warehouses subject to the provisions of this act, and every track buyer, dealer, broker, or commission man, or person or association of persons, merchandising in grain, shall, on or before the first day of July of each year, give a bond with good and sufficient sureties, to be approved by the Commissioner of Agriculture, to the State of Montana, in such sum as the Commissioner may require, conditioned upon the faithful performance of the acts and duties enjoined upon them by law. Every person or persons, firm, co-partnership, corporation, or association of persons operating any public warehouse or warehouses, and every track buyer, dealer, broker, commission man, person or association of persons merchandising grain within the State of Montana, shall, on or before the first day of July of each year, pay to the state treasurer of the State of Montana a license fee in the sum of fifteen dollars for each and every warehouse, elevator, or other place, owned, conducted, or operated by such person or persons, firm, co-partnership, corporation, or association of persons, where grain is received, stored and shipped, and upon the payment of such fee of fifteen dollars for each and every warehouse, elevator, or other place where grain is merchandised within the State of Montana, the Commissioner of Agriculture shall issue to such person or persons, firm, co-partnership, corporation, or association of persons, a license to engage in grain merchandising at the place designated within the State of Montana, for a period of one year. Any person, firm, association or corporation, who shall engage in or carry on any business or occupation for which a license is required by this act, without first having procured a license therefor, or who shall continue to engage in or carry on any such business or occupation after such license has been

revoked (save only that a public warehouseman shall be permitted to deliver grain previously stored with him), shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty-five dollars nor more than one hundred dollars, and each and every day that such business or occupation is so carried on or engaged in shall be a separate offense.

Inspection for Shipment.

Section 34. In case grain is sold for delivery on Montana grade to be shipped from places not provided with state inspection under this act, the buyer, seller, or person making the delivery may have it inspected out by notifying an inspector, whose duty it shall be to have such grain inspected, and after it is inspected, to issue to the buyer, seller, or person delivering it, on request, an inspector's certificate showing the grade of such grain. The person or persons calling for such inspection shall pay for the same a reasonable fee, to be fixed by the Commissioner of Agriculture.

Grain that is shipped to points within the state where no inspection is maintained may be inspected on request of either the buyer or seller, and a certificate may be issued showing the grade of such grain. The charge for such service shall at least equal the entire cost thereof, and shall be paid by the party calling for the same.

Section 35. From all grain shipped to terminal warehouses, and from all grain inspected or weighed, samples may be drawn, which samples shall become the property of the state, and subject to disposition by the Commissioner of Agriculture, under such rules and regulations as the Commissioner may prescribe.

It shall be the duty of the Commissioner of Agriculture to transmit samples of grain, showing the standards thereof adopted, to such chambers of commerce, boards of trade, exporters and persons, firms, corporations, or associations handling and dealing in grain, as the Commissioner may designate, and upon request he shall furnish such samples to smaller parties in this state or the United States, under such reasonable rules and regulations as the Commissioner may prescribe.

Section 36. All inspectors, samplers and weighers, before opening the doors of any car containing grain, upon arrival at any of the places designated by the Commissioner of Agriculture for inspection, shall first ascertain the condition of such cars, and determine whether any leakages have occurred while said cars were in transit, whether or not the doors were properly secured and sealed at point of shipment, and shall make a record of such facts in all cases, giving seal numbers.

After such examinations have been made, the state officials shall securely close and re-seal such doors as have been opened by them, using the special seal of the Commissioner of Agriculture for the purpose.

A record of all original seals broken by said officials and the date when broken, and also a record number of said seals shall be made by them. An inspector, weigher, or sampler shall break the seal, weigh and superintend the unloading of all cars of grain subject to inspection, and it shall be unlawful for any other person, or persons to break the seal or weigh such cars of grain.

Weighman's License.

The Commissioner of Agriculture shall have power to require all persons, firms, corporations, or warehousemen engaged in weighing grain within the State of Montana to obtain a license, and prescribe rules and regulations governing the application for and the issuance of such licenses, but no fee shall be charged therefor, and any person, firm, corporation, or warehouseman, who shall

weigh any grain without first having obtained license, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than two hundred dollars.

All fees, licenses, and other charges collected under the provisions of this act shall be, by the person collecting the same, paid to the state treasurer of the State of Montana, and by said treasurer placed in the general fund.

DIVISION OF HORTICULTURE.

Section 37. The Division of Horticulture. The Department of Agriculture, Labor and Industry, through the Division of Horticulture, shall enforce all of the laws of the State of Montana now in force or hereafter enacted, relating to the protection and regulation of the industry of horticulture in the State of Montana.

Section 38. For the convenient administration of the laws of the state relative to the industry of horticulture, the Commissioner of Agriculture may divide the state into horticultural districts, grouping the several counties in such manner as he may deem expedient.

Section 39. For the purpose of preventing the spread of contagious disease among fruit and fruit trees, and for the prevention, treatment, cure and extirpation of fruit pests and diseases of fruit and fruit trees, and for the disinfection of grafts, scions, and orchard debris, empty fruit boxes or packages, or other suspected material or transportable articles dangerous to orchards, fruit, and fruit trees, the Commissioner of Agriculture may prescribe regulations for the inspection, disinfection, or destruction thereof, which regulation shall be circulated in printed form by the Commissioner among fruit growers and fruit dealers of the State, and shall be published at least ten days in two newspapers of general circulation in the state, and shall be posted in three conspicuous places in each county in the state, one of which shall be at the county court house thereof. For further prevention of the spread of diseases dangerous to fruit and fruit trees, it shall be unlawful for any person, or persons, dealer or dealers, to allow, or caused to be used a second time, any crate, box, barrel, package, or wrapping once having contained fruit or nursery stock, except that at the written request of a nurseryman, an inspector may permit boxes or packages having contained nursery stock to be thoroughly fumigated by him or in his presence, at the expense of the nurseryman, for which said inspector shall give a receipt and duly mark the box or package; otherwise the destruction of the same must be made in its entirety, and the finding of such crate, box, barrel, package, or wrapping in possession of any person or persons, dealer or dealers, other than the consignee, shall be considered prima facie evidence of a violation of this act.

The Commissioner of Agriculture or his authorized representative is hereby authorized to seize and destroy by burning, without breaking, such crate, box, barrel, package, or wrapping wherever found, and to prosecute said violator or violators.

Horticultural Inspectors.

Section 40. The Commissioner of Agriculture shall appoint inspectors of fruit pests in such number as he may deem necessary for the proper administration of the horticulture laws. Said inspectors shall be selected with reference to their knowledge and practical experience in horticulture. It shall be the duty of such inspectors to visit the nurseries, orchards, stores, packing houses, warehouses, and other places where horticultural products and fruits

are kept within their respective district, and shall see that the regulations of the Department of Agriculture, Labor and Industry, and the laws of the state with reference to the disinfection of fruits, trees, plants, grafts, orchard debris and empty fruit boxes and other material shall be fully complied with. Said inspectors shall have access, at all times, to all orchards or places where horticultural products or supplies are kept or handled and shall have full power to enforce the rules and regulations of the Commissioner of Agriculture, and to order the destruction and disinfection of any or all trees, plants, fruits, or horticultural products or supplies when found to be infected.

Section 41. The Commissioner of Agriculture shall have the power to appoint some competent and qualified person to enforce the laws of the state relative to the grading and marketing of fruits and traffic and nursery stock, the control and destruction of insect pests, fungus and bacterial diseases, to enforce the law relative to the licensing of persons engaged in the business of selling or importing fruits, trees, plants or nursery stock in this state, and to supervise and direct the horticulture inspection service and the dissemination of horticultural knowledge.

Section 42. The Commissioner of Agriculture, subject to the approval of the State Board of Examiners, in special instances, may employ a specialist for the purpose of investigating the source, control and destruction of insect pests, fungus and bacterial diseases of orchards, trees, shrubs, plants or nursery stock in this state; such employment shall be for a period not exceeding six months in any one year, and shall be on such terms as may be agreed upon by the Commissioner of Agriculture and the State Board of Examiners.

Nursery Stock Inspection.

Section 43. It shall be the duty of every person or persons, corporation or corporations, who sell or deliver to any person or persons, corporation or corporations, any trees, plants, vines, scions, or grafts not previously inspected under the provisions of this act, to notify the Commissioner of Agriculture, whose duty it shall be to notify the inspector of said district wherein such vines, etc., etc., are to be delivered, at least five days before said goods are to be delivered, giving the date and nursery or railroad station where said trees, plants, grafts, scions, etc., etc., as soon thereafter as practicable, and if the party or parties who are to receive the same. It shall be the duty of the inspector receiving said notice to inspect the said trees, plants, grafts, scions, etc., etc., as soon thereafter as practicable, and if the same be found free from any and all diseases and pests, he shall so certify, and attach a certificate of inspection to each lot or bill or trees, grafts, plants, scions, etc., which said certificate must contain, a list of the said trees, grafts, scions, vines or plants so inspected. But if any of the trees, grafts, scions, vines, or plants so inspected shall be found to be diseased or infested with any of the pests, as prescribed by the Commissioner of Agriculture, then the inspector shall order the disinfection or destruction of said trees, grafts, scions, vines, etc., etc., so diseased or infested, together with all boxes, wrapping, or packing pertaining thereto; provided, that when any fruit or nursery stock is condemned by any inspector, said inspector shall notify the owner thereof, who may appeal to the Commissioner of Agriculture, whose decision shall be final, and charge and collect the sum of ten dollars for the disinfection and inspection of each carload of said nursery stock, and a proportionate sum for less than carload lots, as fixed by the Commissioner; provided that the Commissioner of Agriculture shall have power to designate certain places as quarantine stations, where all nursery stock brought into the state shall be inspected and disinfected; provided, that the provisions of this act shall not apply to any plants known as greenhouse plants

and grown under glass. For the inspection of fruit, a fee of two cents per box or package, with a maximum fee of five dollars for each separate lot or car shall be charged and collected. The inspector shall collect such fees and shall not give certificates of inspection until the fees are paid.

Section 44. If any person or persons in charge or control of any nursery, orchard, storeroom, packinghouse, or other place where horticultural products or supplies are handled or kept, shall fail or refuse to comply with the rules and regulations of the Commissioner of Agriculture, or shall fail or refuse to disinfect or destroy diseased or infected trees, plants, scions, vines, grafts, shrubs, or other horticultural supplies or products, when ordered so to do by the inspector of such district, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than twenty-five dollars nor more than three hundred dollars.

Power of Condemnation.

Section 45. If any person, firm or corporation, or the legal representative of any person, firm or corporation, owning any orchard, tree, shrub or plant which is known to be infected with any injurious insect pest or disease and which thereby becomes a menace to the agricultural or fruit industry of this state shall fail, refuse or neglect to comply with the instructions of the Department of Agriculture, Labor and Industry, or its authorized representatives, for the eradication or control of such injurious insect pests or disease or the destruction of said infected orchard, tree, shrub, or plant, if in the judgment of said Department, or its authorized representative, such destruction shall be deemed necessary, within the time specified by the said department, or its authorized representative, the said commissioner of Agriculture, or his authorized representative is hereby empowered to condemn, remove, or destroy any such orchard, tree, shrub or plant and if such owner or his legal representative shall fail, neglect or refuse to pay the cost of such removal or destruction of such orchard, tree, shrub or plant, within thirty days after due notice has been given by mailing to the owner at his last known post office address, then said cost and expense shall become a lien on the land of the owner and shall be added by the county treasurer to the taxes upon said property and collected as other taxes.

Section 46. Every person who, for himself or as agent for any other person or persons, corporation or corporations, transportation company, or common carrier, shall receive, deliver or turn over to any person or persons, corporation or corporations, any trees, vines, shrubs, nursery stock, scions, grafts and fruits without first having attached an inspector's certificate, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not less than twenty-five dollars nor more than three hundred dollars.

Nurseryman's License.

Section 47. It shall be unlawful for any person, firm, or corporation to engage in, conduct, or carry on the business of selling, dealing in, or importing into this state for sale or distribution, any nursery stock, or to act as agent, salesman, or solicitor for any nurseryman or dealer in nursery stock, or to solicit orders for the purchase of nursery stock, without first having obtained from the Commissioner of Agriculture and having in force a license to do so, and it shall be unlawful for any person to falsely represent that he is an agent, salesman, solicitor, or representative of any nurseryman or dealer in nursery stock. No license shall be issued until the applicant therefor shall have attested to the application for a license furnished upon request by the Commissioner of Agriculture, paid the fee, and furnished the bond, as in this act required. The license fee shall

be twenty-five dollars per annum for nurserymen and dealers in nursery stock, and all agents, salesmen and solicitors for licensed nurseries shall be granted salesmen's certificates free of charge. All licenses shall be in the name of the person, firm, or corporation licensed, and shall show the purpose for which issued, the name and location of the nursery or place of business of the nurserymen or dealer licensed or represented by the agent, salesman, or solicitor. All applications for a license must be in the name of the person, firm, or corporation to be licensed, also it must show the nursery acreage represented by the applicant, and such other information as is desired by the Commissioner of Agriculture. All licenses shall bear the date of issue and shall expire the first day of July next following the date of issue; provided, that all licenses in force at the time of the taking effect of this act shall continue in force during the term for which they were issued, unless sooner revoked, and any holder of such license applying for a license under this act prior to the first day of July next following the expiration of his former license shall be required to pay therefor only the proportional part of the fee required for the annual license, for the remaining portion of the year until the first day of July next following.

Every nurseryman or dealer in nursery stock, applying for a license under this act, shall make, execute, and file with the Commissioner of Agriculture a bond running to the State of Montana, in the sum of one thousand dollars, with surety or sureties to be approved by the Commissioner of Agriculture, conditioned for the faithful compliance by the applicant with all of the provisions of this act and the laws of the State of Montana relating to the sale, disposition, delivery, inspection and disinfection of nursery stock grown, dealt in, imported, sold, handled, or delivered by him during the term of the license applied for, and the term or terms of renewal of the same, and conditioned further that all nursery stock sold or delivered by him during said term shall be true to name, age, and variety as represented, and free from the diseases and pests required to be guarded against by the horticultural laws and regulations of the State of Montana.

Every licensed nurseryman or dealer in nursery stock who shall have complied with the provisions of this act, shall be entitled, upon the expiration of his license or any renewal thereof, by the payment of the fee of twenty-five dollars on or before the date of the expiration of his license or any renewal thereof, to have his license renewed for the ensuing year ending July 1st, so long as the bond originally given in compliance with the provisions of this section shall remain in force.

A license may be refused at any time, or revoked when the person, firm, or corporation applying therefor has been adjudged bankrupt, insolvent, or guilty of fraud or deceit by any court of competent jurisdiction.

The cancellation or revocation of, or the withdrawal of the sureties from any bond filed in accordance with the provisions of this act, shall ipso facto work a suspension of the license of the principal of said bond, and the license of all agents, salesmen and solicitors employed by and representing him until such a time as such principal shall furnish a new bond to be approved by the Commissioner of Agriculture.

Upon complaint in writing, verified under oath by the complainant, being made to the Commissioner of Agriculture, that the holder of any license in this act provided for has violated or failed to comply with the provisions of this act or the laws of the State of Montana relating to horticulture, the Commissioner of Agriculture, if in his judgment the complaint is justified, may revoke the license of the nurseryman complained of.

Misrepresentation of Nursery Stock.

It shall be unlawful for any person to falsely represent or to misrepresent the name, age, variety, or class of any nursery stock sold or offered for sale, or to falsely represent or state that any nursery stock offered for sale, sold, or delivered was grown in or came from a certain nursery or locality, when in fact such nursery stock was grown in or came from another location or nursery, or to deceive or defraud any person in the sale of any nursery stock by substituting inferior or different varieties or ages from those ordered, or to wilfully or intentionally bring into this state, or to offer for sale or distribution within this state, or to ship, sell, or deliver upon any sale any nursery stock that is infected or infested with any disease or insect dangerous to the horticultural interests of the state, and in case of such misrepresentation, false representation, deceit, fraud, or substitution, shall be subject to punishment as provided by the statute for misdemeanor, and shall be liable to the person, firm, or corporation damaged or injured thereby, the amount of all damage sustained to be recovered in a civil action in any court of competent jurisdiction; and any person, firm, or corporation suffering damage by reason of having purchased any nursery stock of a licensed nurseryman, or dealer in nursery stock, delivered within this state, or shipped from a point within or without this state for delivery within this state, or by reason of the destruction of such infected or infested nursery stock by or under the direction of any horticultural inspector, as in this act provided, or by reason of receiving any nursery stock which is not true to name, age, variety, or class as represented by the nurseryman, dealer, agent, salesman, or solicitor selling the same, or as ordered, shall have recourse against the bond filed by the licensed nurseryman or dealer from whom such stock has been purchased, for all damages sustained, including damages in case of misrepresentation, deceit, fraud, or substitution, which damage may be recovered at the suit of the party injured against the nurseryman or dealer causing the damage and the sureties on such bond, in any court of competent jurisdiction; provided, no liability shall attach on such bond by reason of nursery stock being untrue to name, age, variety, or class, unless at least five per cent. of any variety ordered shall prove untrue to name, age, variety, or class.

It shall be the duty of all nurserymen or dealers in nursery stock, and all salesmen, solicitors, and agents therefor, to give to every person ordering any nursery stock a duplicate copy of such order which shall show:

1. The name and location of the nursery where such stock is grown.
2. The name of the nurseryman from whom ordered, and the name of the solicitor, salesman, or agent taking such order.
3. The date of the order and when delivery is to be made.
4. The number, name, age, and price of such variety of tree or plant ordered.

In the event of the shipment into this state from any point without this state of any nursery stock, by a person, firm, or corporation not licensed to do business in this state, as in this act provided, it shall be the duty of the purchaser or person receiving such nursery stock to have the same inspected by a horticultural inspector, in the same manner as is required upon the delivery of nursery stock sold and delivered by a licensed nurseryman or dealer in nursery stock within this state, and to pay an inspector's fee of ten per cent of the invoice price of such shipment; provided, that the minimum fee for such inspection shall be fifty cents and the actual and necessary traveling expenses of the inspector

making the inspection; and provided, further, that no inspection fees shall be collected in excess of the regular inspection fees, where such stock is shipped to a person, firm, or corporation, holding a Montana license, as provided in this act.

Licenses granted under this act shall be for one year, unless revoked for any violation of this act.

Notice of Nursery Shipments.

Section 48. It shall be the duty of every person, firm, or corporation, licensed to do business under this act to notify the Commissioner of Agriculture of his intention to ship an invoice of fruit trees, plants, or nursery stock not previously inspected under the provisions of this act, from one point to another in this state, or from any point without this state into this state. The said notice shall contain the name and address both of the consignor and consignee, and the list of the goods to be shipped, the freight or express office at which the goods are to be delivered, and the name or title of the transportation company from whom the consignee is to receive the goods. Such notice shall be mailed at least five days before the day of shipment.

Section 49. Any person or persons who shall receive and accept any nursery stock, fruit trees, plants, vines, scions, cuttings, grafts, etc., etc., that have not been inspected by a duly appointed inspector of the Commissioner of Agriculture, and shall use or dispose of said nursery stock, fruit-trees, vines, plants, scions, cuttings, grafts, etc., etc., without first notifying the inspector and furnishing him an opportunity to examine, and, if necessary, fumigate said nursery stock, will be deemed guilty of a misdemeanor, and will be subject to fine as further provided in this act.

Section 50. All nursery stock, trees, plants, vines, and cuttings grown or growing within the State of Montana, used for filling orders, shall after said stock shall in the manner and at the times designated by the Commissioner of Agriculture, and before the same shall have been packed for delivery, be inspected by a duly appointed inspector, and shall be disinfected by fumigating or other method, when, in his judgment such is necessary. After such inspection if it be found that said nursery stock, trees, plants, vines, and cuttings are clean and free from insects and fungi pests, he shall issue his certificate to said nurseryman, and said certificate shall entitle him to use said stock, so inspected and disinfected, for filling orders for the next current delivery; and said inspector's certificate shall be furnished to those entitled to them at a price not to exceed forty cents per hundred.

Nurseries shall give to the Commissioner of Agriculture five days' notice of the time when said stock shall be ready for inspection under the provisions of this act.

Section 51. Any person or persons, corporation or corporations, transportation companies, or common carriers, violating any of the provisions of this act, shall be deemed guilty of a misdemeanor, and fined in the sum of not less than twenty-five dollars nor more than three hundred dollars.

May Establish Quarantine.

Section 52. The Montana Commissioner of Agriculture is hereby authorized and empowered to establish a quarantine over any orchard or place where fruits are grown or kept, that is infested with any injurious disease or insect pest; and said commissioner may establish such rules and regulations governing such quarantine, and regulating or restricting the use of such fruits upon the premises, or the shipment or disposition of the same, as he may deem necessary to prevent the spreading of such disease or diseases or insect pests.

Any person who shall violate the provision of this section, or the rules and regulations established by said Commissioner of Agriculture, or who shall ship or dispose of any diseased or infested fruit or fruit products in violation of the order of said commissioner, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in the sum of not less than twenty-five dollars nor more than three hundred dollars.

May Collect As Taxes.

Section 53. Whenever, under the direction or regulations of the Montana Commissioner of Agriculture, any money is expended by said board for the purpose of eradicating any disease or insect pest from any orchard or other place where fruits are grown or kept, said commissioner, through its representative, shall notify the owner of such orchard or premises in writing of the amount so expended plus an additional charge of twenty-five per cent of the amount so expended. Said notice shall be mailed to the last known address of such owner, and if such owner shall fail to pay the amount so expended by said commissioner plus an additional charge of twenty-five per cent of the amount so expended, within thirty days of the time such notice is sent, then and in that event the commissioner shall file a statement, verified under oath by himself or his representative, with the county treasurer in the county wherein said money shall have been expended. Said statement shall set forth the amount so expended plus an additional charge of twenty-five per cent of the amount so expended, together with the correct description of the property on which such money was expended as it appears on the assessment roll of the county. The county treasurer shall add the total amount as set forth in said statement to the taxes upon said property, and shall collect the same as provided by the law for the collection of taxes for state and county purposes.

Section 54. The county treasurer in any county where any money is collected as provided in section 53 of this act, shall, on or before the first day of February of each year, remit the amount to the state treasurer, who shall deposit same to the credit of the general fund of the state.

Section 55. It shall be the duty of the Commissioner of Agriculture, or his authorized representative or inspector, to inspect all apples packed for sale or shipment pursuant to the provisions of Chapter 113 of the Laws of the Thirteenth Legislative Assembly of Montana of 1913, and acts amendatory thereof, and said commissioner is hereby authorized to certify to the grade and pack thereof, and to charge the owner, packer or shipper of any such apples a fee to be fixed by said Commissioner of Agriculture for such services, and said commissioner may make such rules and regulations regarding such inspection, not in conflict with the laws of the state, as he may deem proper.

DIVISION OF LABOR AND PUBLICITY.

Section 56. The Division of Labor and Publicity. The department of Agriculture, Labor and Industry, through the Division of Labor and Publicity, shall be charged with the duty of enforcing all the laws of Montana relating to hours of labor, conditions of labor, protection of employees, and all laws relating to child labor regulating the employment of children in any manner; it shall also be the duty of such Division to administer all the laws of the state relative to free employment offices.

Section 57. It is the duty of the city council of any incorporated city of the first or second class within this state, and it shall be lawful for the city council of any other incorporated city, to provide for the establishment of a free public employment office to be conducted on the most approved plans, and to provide for the expenses thereof out of the revenues of the city in which the same is established. The annual report of the Department of Agriculture, Labor and Industry shall contain a detailed account of all such free employment offices within the state showing the number of applicants for employment, the number securing employment, and the expenses of maintaining such office.

Powers of Commission.

Section 58. In discharging the duties imposed upon the Division of Labor and Publicity, the Commissioner of Agriculture shall have power to administer oaths, to examine witnesses under oath, to take depositions or cause same to be taken, to depute any male citizen over the age of 21 years to serve subpoenas upon witnesses, and to issue subpoenas for the attendance of witnesses before him in the same manner as for attendance before district courts. The Commissioner of Agriculture shall likewise have the authority to inspect any mine, factory, workshop, smelter, mill, warehouse, elevator, foundry, machine shop or other industrial establishment, and any person who shall refuse to the commissioner, admission to any of the industrial establishments herein enumerated when admission is requested for the purpose of inspection, or who shall, when requested by the commissioner, wilfully neglect or refuse to furnish to him any statistics or other information which may be in the possession or under the control of such person, or who shall refuse to obey any subpoena issued by the commissioner, shall be deemed guilty of a misdemeanor and be punished accordingly. Nothing herein contained shall in any manner confer upon the Commissioner of Agriculture the authority to interfere in any manner with the conduct of the matters under the control of the Industrial Accident Board, nor shall said commissioner be charged with the duty of enforcing any of the laws of the State of Montana pertaining to the affairs of said Industrial Accident Board, nor with the enforcement of the safety provisions of the Workmen's Compensation Act.

Statistical Publications.

Section 59. The Department of Agriculture, Labor and Industry, through the Division of Labor and Publicity, shall prepare statistics and data, and shall publish a report relating to the agricultural, commercial, mining, manufacturing and other resources of the state, and such report shall be published and distributed in such form and quantity as in the judgment of said department may be deemed expedient and practicable. All reports sent out by said department shall bear a certificate thereon to the effect that they are issued by the authority of the State of Montana. The department shall also open correspondence with bureaus of emigration, boards of trade, and other organizations who are willing to assist

in disseminating information in regard to the climate, industries and resources of the State of Montana to the end that such information may become as generally available as possible.

Section 60. It is hereby made the duty of all state and county officers to furnish to the Division of Labor and Publicity any data, statistics and information under their control when requested by said department, relating to the population, industries, climatic conditions and assessed valuation of the state or any subdivision thereof.

MONTANA STATE FAIR.

Section 61. The department of agriculture, labor and industry, through the Division of Labor and Publicity, shall have entire charge and control of the Montana State Fair, and it shall be its duty to cause the holdings of said fair in the manner provided by Sections 1 and 2 of Chapter 47 of the laws of the Twelfth Legislative Assembly of 1911.

Section 62. To assist said department in the management and conducting of said State Fair, there shall be a State Fair Advisory Board consisting of one representative from each county to be appointed by the Board of County Commissioners; the members of said board shall hold office for a period of four years and until their successors are appointed and qualified; members of said board shall take the constitutional oath of office and shall file the same in the office of the Secretary of State. The duties of the Advisory Board shall be to aid in making the State Fair a success, to perform such duties as shall be imposed upon them by the Commissioner of Agriculture, and in particular to see that the several counties of the State are represented at said fair by proper and comprehensive exhibits. Members of said board shall be paid the sum of five dollars per day together with actual traveling expenses for time expended by them in performing the duties of their office.

Section 63. The Commissioner of Agriculture is hereby authorized to appoint as many members of the State Fair Advisory Board or such other persons interested in agriculture, livestock or allied activities as he may see fit to act as a committee to assist him in the immediate management and control of the State Fair, and it shall be the duty of such committee to attend upon the order of the Commissioner of Agriculture, and to perform such duties as he may require.

Section 64. The Commissioner of Agriculture shall have the care and custody of all property belonging to the State Fair, and shall be entrusted with the direction and administration of all of its business and affairs, and shall adopt and enforce all necessary rules for the conduct and management of the fair and for the regulation of its officers and employees. Said commissioner shall arrange for the letting of stalls, stands, and all other privileges and concessions, provided, however, that as entrance fees, money derived from the letting of privileges and as to prizes offered, said matters shall be approved by the State Board of Examiners.

Section 65. The State Fair shall be permanently located on the present grounds now owned by the state and devoted to that purpose, located north of the city of Helena, in Lewis and Clark County, and such additional lands as may hereafter be obtained in connection therewith are hereby dedicated for the use of the Montana State Fair.

USE OF FEES AND EARNINGS.

Section 66. All fees and earnings of the Department of Agriculture, Labor and Industry and its divisions and activities from whatsoever source they may be derived, and all contributions which may be received from public or private bounty, are hereby annually and perpetually appropriated for the use of said Department of Agriculture, Labor and Industry. All moneys received by the Department of Agriculture, Labor and Industry in the administration of all laws and the management of the institutions under its control, belonging to or for the use of the state, shall be deposited with the State Treasurer on the tenth and twenty-fifth days of each month without deduction of any sort on account of salaries, fees, costs, charges or expenses or otherwise, and shall be credited to the general fund of the State of Montana. The State Auditor shall keep upon his books on account to be known as the "State Fair Revolving Appropriation Account," to which shall be credited all general fund receipts of every nature arising from the operation of the State Fair, and from which shall be paid such claims as may be designated by the State Board of Examiners; and the State Auditor shall keep upon his books another account to be known as the "Department of Agriculture Revolving Appropriation Account," to which shall be credited all other general fund receipts arising from all operations of the Department of Agriculture, Labor and Industry other than the State Fair, and from which shall be paid such other claims of the Department of Agriculture, Labor and Industry as may be designated by the State Board of Examiners. The State Board of Examiners may, in its discretion, by resolution duly adopted and entered upon the minutes of said Board, authorize the establishment and maintenance in the business office of the Department of Agriculture, Labor and Industry or any of its divisions, one or more Contingent Revolving Accounts, transferring in trust to said Department such sum or sums of money as may appear necessary for the payment of demands requiring immediate cash payment, under specific regulations to be established by said Board of Examiners. But each and every division so granted a Contingent Revolving Account shall report to the State Board of Examiners monthly all transactions involving such Contingent Revolving Accounts, with proper vouchers for every payment made therefrom. The State Board of Examiners may cancel or modify such authorizations and recall such funds or any part thereof at pleasure. Provided, however, that nothing in this Act shall be construed as preventing the establishment and maintenance by the State Board of Examiners of Contingent Revolving Accounts in the divisions of Grain Standards and Marketing, of Horticulture and of Labor and Publicity, transferring in trust to the business offices of such divisions such sums of money as may appear necessary to be used by said divisions for the payment of demands, requiring immediate cash payment in connection with Grain Grading and Inspection, Orchard Spraying and Fruit and Nursery Stock Inspection, and in conducting the State Fair, under specific regulations to be established by said Board of Examiners. But each and every division granted a contingent Revolving Account shall report to the State Board of Examiners monthly all transactions involving such Contingent Revolving Accounts, with proper vouchers for every payment made therefrom. The State Board of Examiners may cancel such authorizations and recall such funds at pleasure.

Section 67. The following offices, boards, commissions, and departments of the state government heretofore constituted by law are hereby abolished, to-wit:

The State Board of Horticulture.

The State Horticulturist.

The Board of Directors of the State Fair.
The Board of Dairy Commission Examiners.
The Department of Labor and Industry.
The Department of Agriculture and Publicity.
The State Dairy Commissioner.
The Grain Grading Inspection and Warehousing Commission of the State of Montana.
The State Board of Poultry Husbandry.

Section 68. The State Treasurer is hereby authorized and directed, upon the taking effect of this act, to transfer to the general fund of the State of Montana any money in his hands belonging to any and all special funds heretofore created by law for the deposit of moneys received by the boards and departments mentioned in Section 67.

Section 69. The Department of Agriculture, Labor and Industry is hereby designated as the legal successor of all the offices, boards, commissions, and departments mentioned in Section 67 of this act; all books, papers, and records of said offices, boards, commissions, and departments shall be turned over to the Department of Agriculture, Labor and Industry, and said department is hereby authorized to carry out any contracts, complete any business, or prosecute or defend any suits heretofore entered into or instituted by any of the officers, boards, commissions, or departments mentioned in Section 67 of this Act.

PUNISHMENT OF VIOLATIONS.

Section 70. Any person, firm, company, or corporation who shall violate any of the provisions of this Act, or who shall fail to comply with any order of the Department of Agriculture, Labor and Industry, or of the Commissioner of Agriculture, or any of his lawfully constituted agents, provided that said order be made in pursuance of the authority granted by this Act, shall be deemed guilty of a misdemeanor and punishable by a fine of not to exceed five hundred dollars, or by imprisonment in the county jail for not to exceed six months, or by both such fine and imprisonment.

Section 71. The following acts and parts of acts of the State of Montana are hereby repealed: Sections 1, 2, 3, including Section 3-A contained in said Section 3, and Sections 4, 5, 6, 7, 8, 11, 12, 13, and 14 of Chapter 199 of the Laws of the Sixteenth Legislative Assembly of 1919; all of Chapter 209 of the Laws of the Sixteenth Legislative Assembly of 1919 save and except Sections 25 and 28 thereof; Sections 1917 to 1923 inclusive of the Revised Codes of 1907 as amended by Chapter 121 of the Laws of the Twelfth Legislative Assembly of 1911; Section 1923-A of Chapter 121 of the Laws of the Twelfth Legislative Assembly of 1911 as amended by Section 1 of Chapter 90 of the Laws of the Sixteenth Legislative Assembly of 1919; Sections 1924, 1925, 1927, 1930, 1931, 1932, 1933, 1934, 1936, 1937, 1938, 1939, 1940 to 1944 inclusive of the Revised Codes of 1907 as amended by Chapter 121 of the Laws of the Twelfth Legislative Assembly of 1911; Sections 3 to 11 inclusive of Chapter 47 of the Laws of the Twelfth Legislative Assembly of 1911; Chapter 55 of the Laws of the Thirteenth Legislative Assembly of 1913; Chapter 15 of the Laws of the Twelfth Legislative Assembly of 1911; Chapter 56 of the Laws of the Thirteenth Legislative Assembly of 1913; Chapter 132 of the Laws of the Fourteenth Legislative Assembly of 1915; Chapter 127 of the Laws of the Sixteenth Legislative Assembly of 1919; Chapter 69 of the Laws of the Thirteenth Legislative Assembly of 1913.

Section 72. This Act shall take effect and be in full force from and after April 1st, 1921.

Approved March 5, 1921.





